

**CITY OF MILPITAS PLANNING COMMISSION  
AGENDA FOR MAY 13, 2009  
CITY HALL COUNCIL CHAMBERS 7:00 P.M.  
455 E. CALAVERAS BLVD., MILPITAS, CA 95035  
(408) 586-3279**

- I. PLEDGE OF ALLEGIANCE**
- II. ROLL CALL**
- III. PUBLIC FORUM**

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Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium, state their name and address for the Secretary's record, and limit their remarks to under three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

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- IV. APPROVAL OF MINUTES:** April 22, 2009
- V. ANNOUNCEMENTS**
- VI. ANNOUNCEMENT OF CONFLICT OF INTEREST**
- VII. APPROVAL OF THE AGENDA**
- VIII. CONSENT CALENDAR (Items with an asterisk \*)**

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The consent calendar items are considered to be routine and will be considered with one public hearing and adopted by one motion. There will be no separate discussion of these items unless a member of the Planning Commission, member of the audience, or staff requests the Planning Commission to have an item removed from or added to the consent calendar. Any person desiring to speak on any item on the consent calendar should ask to have that item removed from the consent calendar. If removed, this item will be discussed in the order in which it appears on the agenda.

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**IX. PUBLIC HEARING**

- 1. INTRODUCE A GREEN BUILDING ORDINANCE:** A request to add a new chapter to the Milpitas Municipal Code for the purpose of including new provisions to enhance the public health and welfare by promoting the environmental and economic health of the City through the design, construction, maintenance, operation and deconstruction of buildings and other site development by incorporating green building practices into certain development. Staff Contact: James Lindsay (408) 586-3273. *(Recommendation: Adopt Resolution No. 09-027 recommending approval to the City Council.)*
- \*2. CONDITIONAL USE PERMIT NO. UP09-0003:** A request to operate a 1,600 square foot Indian themed grocery store located at 1291 S. Park Victoria Drive (APN: 088-36-036), zoned General Commercial with Site and Architectural Overlay (C2-S). Applicant: Anita Singh. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2573. *(Recommendation: Adopt Resolution No. 09-022 approving the project subject to conditions of approval.)*

- \*3. **CONDITIONAL USE PERMIT NO. UP08-0047:** A request to locate and operate a temporary wireless telecommunication facility for a maximum of two years. The proposed facility consists of three panel antennas attached to a 60-foot tall monopole and moveable equipment shelter that would occupy approximately five parking spaces at the rear of the parking lot of an existing industrial building located at 1501 McCarthy Boulevard (APN: 086-03-005), zoned Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Karen McPherson. Staff Contact: Cindy Hom (408) 586-3284. PJ # 2563. *(Recommendation: Adopt Resolution No. 09-023 approving the project subject to conditions of approval.)*
- \*4. **CONDITIONAL USE PERMIT NO. UP08-0037:** A request to construct a new freestanding monument sign along Piedmont Road. The project is located at 130 Piedmont Road (APN: 092-37-051), zoned R1-H Single Family Residential Hillside with Site and Architectural Overlay (R1-H-S). Applicant: Calvary Assembly. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2551. *(Recommendation: Adopt Resolution No. 09-024 approving the project, subject to conditions of approval.)*
- \*5. **CONDITIONAL USE PERMIT NO. UP09-0007:** A request to construct a new freestanding monument sign over six feet in height on the corner of Buckeye Dr. and Sycamore Dr. The project is located at 1511 Buckeye Drive (APN: 086-03-025), zoned MP Industrial Park with Site and Architectural Overlay (MP-S). Applicant: Cal Neon. Staff Contact: Judie Gilli (408) 586-3280. PJ # 2579. *(Recommendation: Adopt Resolution No. 09-025 approving the project, subject to conditions of approval.)*
- \*6. **SITE DEVELOPMENT PERMIT TIME EXTENSION NO. TE09-0001, VAVAROUTSOS RESIDENCE:** A request for a one-time eighteen month time extension for a 4,140 square hillside residence and related site improvements located with the Calaveras Ridge Estate Subdivision at 826 Calaveras Ridge Drive (APN: 029-06-031), zoned Single Family Residential with Hillside Combining District and Site and Architectural Overlay (R1-H-S). Applicant: Pete Vararoutsos. Staff Contact: Cindy Hom (408) 586-3284. *(Recommendation: Adopt Resolution No. 09-021 approving the project subject to conditions of approval.)*

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Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within twelve (12) calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

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## **X. ADJOURNMENT**

***THE NEXT PLANNING COMMISSION MEETING IS May 27, 2009***

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The Planning Division will provide a recorded agenda or minutes on standard cassette or printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at (408) 586-3279, TDD (408) 586-3013.

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### **MILPITAS PLANNING COMMISSION SUBCOMMITTEE**

The Planning Commission Subcommittee consists of two members (currently Gurdev Sandhu-regular member, Alex Galang-regular member, Noella Tabladillo-alternate member) of the Planning Commission, who have approval authority for Minor Site Development Permits and other minor project reviews not involving public hearings. **This project review will be held at 6:30 P.M. in the City of Milpitas Committee Conference Room, First Floor, 455 E. Calaveras Boulevard.**

- a. **ADMINISTRATIVE PERMIT NO. AD09-0002:** One day fitness event on May 20, 2009 located at 601 McCarthy Blvd (APN: 086-02-039). Applicant: SanDisk. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Approve Administrative Permit No. AD09-0002, subject to conditions of approval.)*
- b. **ADMINISTRATIVE PERMIT NO. AD09-0003:** A request to have the annual International Festival (outdoor employee event) for SanDisk located at 601 McCarthy Blvd (APN: 086-02-039). Applicant: SanDisk. Staff Contact: Tiffany Brown (408) 586-3283. *(Recommendation: Approve Administrative Permit No. AD09-0003, subject to conditions of approval.)*

#### KNOW YOUR RIGHTS UNDER THE **OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public. Commissions, boards, councils and other agencies of the City exist to conduct the people's business. This ordinance assures that deliberations are conducted before the people and the City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, CA 95035

E-mail: [mogaz@ci.milpitas.ca.gov](mailto:mogaz@ci.milpitas.ca.gov)

Phone (408) 586-3040

Fax (408) 586-3030

*The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*